

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENTESAR OSMAN KASHEF, *et al.*,

Plaintiffs,

-against-

BNP PARIBAS S.A., BNP PARIBAS S.A.
NEW YORK BRANCH, and BNP PARIBAS
US WHOLESALE HOLDINGS, CORP.,

Defendants.

No. 1:16-cv-03228-AKH-JW

Hon. Alvin K. Hellerstein

**DECLARATION OF CHARITY E. LEE IN SUPPORT OF
BNP PARIBAS S.A. AND BNP PARIBAS US WHOLESALE HOLDINGS, CORP.’S
MOTION FOR SUMMARY JUDGMENT, RULE 56.1 STATEMENT OF UNDISPUTED
FACTS IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT, IN
OPPOSITION TO PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION AND
DAUBERT MOTION TO EXCLUDE THE PROPOSED EXPERT TESTIMONY OF
PRAKASH KHATRI**

I, Charity E. Lee, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney duly admitted to this Court and an associate of the law firm Cleary Gottlieb Steen & Hamilton LLP, counsel to Defendants BNP Paribas S.A. (“BNP Paribas”) and BNP Paribas US Wholesale Holdings, Corp. (“BNP Wholesale” and together with BNP Paribas, the “BNPP Defendants”)¹ in this action.

2. Attached as Exhibits 1–145 hereto are true and correct copies of the documents described in the below chart. The exhibits are cited in: (1) the BNPP Defendants’ Memorandum

¹ As discussed in the BNPP Defendants’ Memorandum of Law in Support of the BNPP Defendants’ Motion for Summary Judgment, filed concurrently herewith, Defendant BNP Paribas, S.A. New York Branch (“BNPP NY”) “has no legal identity separate from” BNP Paribas. *Bayerische Landesbank, New York Branch v. Aladdin Cap. Mgmt. LLC*, 692 F.3d 42, 51 (2d Cir. 2012). Plaintiffs’ claims against BNPP NY and BNP Paribas are “one and the same.” *Id.*

of Law in Support of BNPP Defendants’ Motion for Summary Judgment; (2) the BNPP Defendants’ Statement of Material Facts as to Which There Is No Genuine Issue Pursuant to Local Civil Rule 56.1; (3) the BNPP Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for Class Certification; and (4) the BNPP Defendants’ Memorandum of Law in Support of BNPP Defendants’ *Daubert* Motion to Exclude the Proposed Expert Testimony of Prakash Khatri:

Exhibit	Document Description	Seal Status
1.	Statement of Facts, <i>United States v. BNP Paribas, S.A.</i> , 14 Cr. 460 (LGS) (June 30, 2014)	
2.	Transcript of Sentencing Hearing, <i>United States v. BNP Paribas S.A.</i> , 14 Cr. 460 (LGS) (May 1, 2015)	
3.	Pl. Abulgasim Suleman Abdalla’s Responses and Objections to Defendants’ First Set of Interrogatories (Apr. 18, 2022)	
4.	Pl. Ambrose Martin Ulau’s Responses and Objections to Defendants’ First Set of Interrogatories (Apr. 18, 2022)	
5.	Pl. Nyanriak Tingloth’s Responses and Objections to Defendants’ First Set of Interrogatories (Apr. 18, 2022)	Filed Under Seal
6.	Pl. Abbo Abakar’s Responses and Objections to Defendants’ First Set of Interrogatories (Apr. 18, 2022)	
7.	Pl. Isaac Ali’s Objections & Responses to Defendants’ First Set of Interrogatories (Apr. 18, 2022)	
8.	Pl. Halima Samuel Khalifa’s Objections & Responses to Defendants’ First Set of Interrogatories (Apr. 18, 2022)	

9.	The BNPP Defendants' Second Supplemental Responses and Objections. to Pls.' Second Set of Interrogatories (July 22, 2022)	Filed Under Seal
10.	The BNPP Defendants' Responses and Objections to Pls.' Third Set of Interrogatories (Sept. 30, 2022)	
11.	The BNPP Defendants' Responses and Objections to Pls.' First Set of Requests for Admission (Sept. 30, 2022)	
12.	Pl. Jane Doe's Responses and Objections to Defendants' First Set of Requests for Admission (Sept. 30, 2022)	Filed Under Seal
13.	Pl. Judy Doe's Responses and Objections to Defendants' First Set of Requests for Admission (Sept. 30, 2022)	Filed Under Seal
14.	Pl. Judy Roe's Objections & Responses to Defendants' First Set of Interrogatories (Apr. 18, 2022)	Filed Under Seal
15.	Pls.' Supplemental Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1) (Aug. 10, 2022)	Filed Under Seal
16.	Pls.' Supplemental Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1) (Dec. 21, 2022)	Filed Under Seal
17.	Judy Roe's Objections & Responses to Defendants' First Set of Requests for Admission (Sept. 30, 2022)	Filed Under Seal
18.	Letter from C. Boccuzzi to B. Landau (Nov. 21, 2022)	
19.	BNPP-KASHEF-00013603 (Memo on Activity and Strategy of BNP Paribas Suisse)	Filed Under Seal
20.	BNPP-KASHEF-00042444 (Summary of Outbound Payments Involving An SDN)	Filed Under Seal

21.	BNPP-KASHEF-00044856 (Cumulative Transaction Review Results for BNPP Paris)	Filed Under Seal
22.	BNPP-KASHEF-00046285 (Cumulative Transaction Review Sampling Methodology)	Filed Under Seal
23.	BNPP-KASHEF-00046989 (Cumulative Transaction Review Results for BNPP Geneva)	Filed Under Seal
24.	BNPP-KASHEF-00048093 (Jan. 22, 2007 email from NPR-E attaching Credit Proposal)	Filed Under Seal
25.	PLA-001837 (Pl. Abulgasim Abdalla Immigration Records)	
26.	PLA-001313 (Pl. Entesar Kashef Immigration Records)	
27.	Abbo Ahmed Abakar Deposition Transcript (June 6, 2022) (Relevant Excerpts Only)	Filed Under Seal
28.	Abubakar Abakar Deposition Transcript (June 7, 2022) (Relevant Excerpts Only)	Filed Under Seal
29.	Hamdan Juma Abakar Deposition Transcript (June 3, 2022) (Relevant Excerpts Only)	Filed Under Seal
30.	Abulgasim Suleman Abdalla Deposition Transcript (June 9, 2022) (Relevant Excerpts Only)	Filed Under Seal
31.	Turjuman Ramadan Adam Deposition Transcript (July 14, 2022) (Relevant Excerpts Only)	Filed Under Seal
32.	Isaac Ali Deposition Transcript (June 3, 2022) (Relevant Excerpts Only)	Filed Under Seal

33.	██████████ Deposition Transcript (June 28, 2022) (Relevant Excerpts Only)	Filed Under Seal
34.	████████████████████ Deposition Transcript (June 1, 2022) (Relevant Excerpts Only)	Filed Under Seal
35.	██████████ Deposition Transcript (Aug. 11, 2022) (Relevant Excerpts Only)	Filed Under Seal
36.	Jane Doe Deposition Transcript (June 6, 2022) (Relevant Excerpts Only)	Filed Under Seal
37.	John Doe Deposition Transcript (July 19, 2022) (Relevant Excerpts Only)	Filed Under Seal
38.	Judy Doe Deposition Transcript (June 8, 2022) (Relevant Excerpts Only)	Filed Under Seal
39.	Shafika G. Hassan Deposition Transcript (June 9, 2022) (Relevant Excerpts Only)	Filed Under Seal
40.	Entesar Osman Kashef Deposition Transcript (June 7, 2022) (Relevant Excerpts Only)	Filed Under Seal
41.	Nicolas Hakim Lukudu Deposition Transcript (June 1, 2022) (Relevant Excerpts Only)	Filed Under Seal
42.	Halima Samuel Guma Khalifa Deposition Transcript (June 2, 2022) (Relevant Excerpts Only)	Filed Under Seal
43.	████████████████████ Deposition Transcript (June 9, 2022) (Relevant Excerpts Only)	Filed Under Seal
44.	Hawa Ibrahim Mohamed Omar Deposition Transcript (June 8, 2022) (Relevant Excerpts Only)	Filed Under Seal

45.	Jane Roe Deposition Transcript (June 4, 2022) (Relevant Excerpts Only)	Filed Under Seal
46.	Judy Roe Deposition Transcript (July 11, 2022) (Relevant Excerpts Only)	Filed Under Seal
47.	██████████ Deposition Transcript (May 24, 2022) (Relevant Excerpts Only)	Filed Under Seal
48.	Kuol Shbur Deposition Transcript (July 15, 2022) (Relevant Excerpts Only)	Filed Under Seal
49.	██████████ Deposition Transcript (June 17, 2022) (Relevant Excerpts Only)	Filed Under Seal
50.	Nyanriak Tingloth Deposition Transcript (July 13, 2022) (Relevant Excerpts Only)	Filed Under Seal
51.	Ambrose Martin Ula Deposition Transcript (June 2, 2022) (Relevant Excerpts Only)	Filed Under Seal
52.	Opening Report of Kathi Austin (Sept. 30, 2022)	Filed Under Seal
53.	Reply Report of Kathi Austin (Mar. 2, 2023)	Filed Under Seal
54.	Opening Report of Suliman Baldo (Sept. 30, 2022)	Filed Under Seal
55.	Reply Report of Suliman Baldo (Mar. 2, 2023)	Filed Under Seal
56.	Suliman Baldo Deposition Transcript (Apr. 6, 2023) (Relevant Excerpts Only)	

57.	Suliman Baldo et al., <i>Darfur in 2004 The Many Faces of a Conflict</i> (Exhibit 3 to Suliman Baldo Deposition (Apr. 6, 2023))	
58.	Expert Report of Enrico Carisch (Jan. 6, 2023)	Filed Under Seal
59.	Declaration of Nima Elbagir (Aug. 9, 2022)	
60.	Nima Elbagir, <i>Darfur displaced Arabs say also victims, need help</i> (Reuters, Aug. 25, 2004) (Exhibit 3 to Nima Elbagir Deposition (Dec. 2, 2022))	
61.	Expert Report of Gary B. Goolsby (Jan. 6, 2023)	Filed Under Seal
62.	Expert Report of Philip K. Verleger (Jan. 6, 2023)	Filed Under Seal
63.	Opening Report of Timothy J. Fogarty (Sept. 30, 2022)	Filed Under Seal
64.	Reply Report of Timothy J. Fogarty (Mar. 2, 2023)	Filed Under Seal
65.	Timothy Fogarty Deposition Transcript (Mar. 24, 2023) (Relevant Excerpts Only)	Filed Under Seal
66.	Expert Report of Antoine Gaudemet (Jan. 6, 2023)	Filed Under Seal
67.	Expert Report of Andrew Hood (Jan. 6, 2023)	Filed Under Seal
68.	Opening Report of Cameron Hudson (Sept. 30, 2022)	Filed Under Seal

69.	Reply Report of Cameron Hudson (Mar. 2, 2023)	Filed Under Seal
70.	Cameron Hudson Deposition Transcript (Apr. 4, 2023) (Relevant Excerpts Only)	
71.	Expert Report of Gary C. Hufbauer (Jan. 5, 2023)	
72.	Barbecue Grill Case, Supreme Court 4A 7/2007	
73.	Jok Madut Jok Deposition Transcript (Apr. 21, 2023) (Relevant Excerpts Only)	
74.	USCR, <i>USCR Country Report Sudan: Statistics on refugees and other uprooted people</i> (June 19, 2001) (Exhibit 5 to Jok Madut Jok Deposition (Apr. 21, 2023))	
75.	Opening Report of Prakash Khatri (Sept. 30, 2022)	
76.	Reply Report of Prakash Khatri (Mar. 2, 2023)	
77.	Prakash Khatri Deposition Transcript (Apr. 21, 2023)	Filed Under Seal
78.	<i>Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures</i> , 62 Fed. Reg. 10312 (Mar. 6, 1997) (Exhibit 9 to Prakash Khatri Deposition (Apr. 21, 2023)) (Volume I)	
79.	<i>Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures</i> , 62 Fed. Reg. 10312 (Mar. 6, 1997) (Exhibit 9 to Prakash Khatri Deposition (Apr. 21, 2023)) (Volume II)	
80.	<i>Asylum Procedures</i> , 65 Fed. Reg. 76121 (Dec. 6, 2000) (Exhibit 10 to Prakash Khatri Deposition (Apr. 21, 2023))	

81.	<i>Citizenship and Immigration Services Ombudsman, Annual Report 2006</i> (June 29, 2006) (Exhibit 11 to Prakash Khatri Deposition (Apr. 21, 2023)) (Volume I)	
82.	<i>Citizenship and Immigration Services Ombudsman, Annual Report 2006</i> (June 29, 2006) (Exhibit 11 to Prakash Khatri Deposition (Apr. 21, 2023)) (Volume II)	
83.	Expert Report of Barry Koch (Sept. 30, 2022)	Filed Under Seal
84.	Expert Report of John Llewellyn (Jan. 6, 2023)	Filed Under Seal
85.	<i>Supplementary Analysis, Sudan Central Government revenue and expenses</i> (Exhibit 2 to Expert Report of John Llewellyn (Jan. 6, 2023))	Filed Under Seal
86.	Expert Report of Victor Menaldo (Jan. 6, 2023)	Filed Under Seal
87.	Expert Report of Charles Alexander Morgan III (Jan. 20, 2023)	Filed Under Seal
88.	Opening Report of Luke Patey (Sept. 30, 2022)	Filed Under Seal
89.	Reply Report of Luke Patey (Mar. 2, 2023)	Filed Under Seal
90.	Luke Patey Deposition Transcript (Apr. 26, 2023) (Relevant Excerpts Only)	
91.	Expert Report of Teresa A. Pesce (Jan. 6, 2023)	Filed Under Seal

92.	Barry Rosenfeld Deposition Transcript (Aug. 28, 2023) (Relevant Excerpts Only)	
93.	Opening Report of Harry Verhoeven (Sept. 30, 2022)	Filed Under Seal
94.	Reply Report of Harry Verhoeven (Mar. 2, 2023)	Filed Under Seal
95.	Harry Verhoeven Deposition Transcript (Mar. 30, 2023) (Relevant Excerpts Only)	Filed Under Seal
96.	Expert Report of Stephen Yale-Loehr (Jan. 6, 2023)	
97.	Expert Report of Helen Keller (July 21, 2023)	
98.	First Expert Report of Christoph Müller (Jan. 6, 2023)	Filed Under Seal
99.	Second Expert Report of Christoph Müller (July 21, 2023)	
100.	Declaration of Tayeb Hassabo (Sept. 30, 2022)	Filed Under Seal
101.	Reply Declaration of Tayeb Hassabo (Mar. 2, 2023)	
102.	Expert Report of Isabelle Romy (July 21, 2023)	
103.	Second Declaration of Luc Thevenoz (Jan. 6, 2023)	Filed Under Seal
104.	Expert Report of Franz Werro (Mar. 3, 2023)	Filed Under Seal
105.	Supplemental Declaration of Franz Werro (Aug. 31, 2020)	

106.	Frank Werro Deposition Transcript (July 31, 2020) (Relevant Excerpts Only)	Filed Under Seal
107.	Bar Fight Case, DFSC 25 [1899] II 817	
108.	Father and Son Case, DFSC 38 [1912] II 471	
109.	Firecrackers Case, DFSC 42 [1916] II 473	
110.	Brawl Case, DFSC 45 [1919] II 304	
111.	Shooting Contest Case, DFSC 71 [1945] II 107	
112.	Hockey Case, DFSC 79 [1953] II 66	
113.	The Steel Boycott Case, DFSC 90 [1964] II 501	
114.	Arson Case, DFSC 100 [1974] II 332	
115.	Bow and Arrow Case, DFSC 104 [1978] II 184	
116.	Locksmith Case, DFSC 4A 185/2007	
117.	Bankruptcy Case, DFSC 141 [2015] III 527	
118.	Somatoform Disorder Case, DFSC 142 [2016] III 433	
119.	Money-Laundering Case, DFSC 143 [2017] III 653	
120.	Swisscom Case, DFSC 145 [2019] III 72	
121.	Unfair Competition Case, Supreme Court 4A 311/2021	

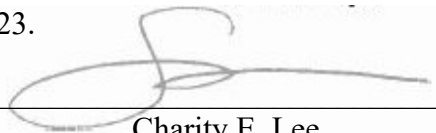
122.	Alexis Overney & Vincent Perritaz, <i>La Causalité, in Concepts fondamentaux de l'indemnisation: convergences et divergences</i> (Helbing Lichtenhahn Verlag, 2023)	
123.	BNP Paribas, <i>BNP Paribas 165(d) Resolution Plan</i> (Dec. 31, 2015)	
124.	Brief of <i>Amicus Curiae</i> Government of Switzerland in Support of Affirmance, <i>Rothstein v. UBS AG</i> , No. 11-cv-211 (Feb. 1, 2012) (ECF No. 125)	
125.	Comprehensive Peace Agreement between The Government of the Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army (2005) (Volume I)	
126.	Comprehensive Peace Agreement between The Government of the Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army (2005) (Volume II)	
127.	Comprehensive Peace Agreement between The Government of the Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army (2005) (Volume III)	
128.	Comprehensive Peace Agreement between The Government of the Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army (2005) (Volume IV)	
129.	Comprehensive Peace Agreement between The Government of the Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army (2005) (Volume V)	
130.	<i>Darfur</i> , Britannica, https://www.britannica.com/place/Darfur (last visited July 18, 2023)	
131.	Financial Action Task Force, <i>Guidance on Criminalising Terrorist Financing (Recommendation 5)</i> (Oct. 2016)	
132.	<i>FINMA closes proceedings against BNP Paribas (Suisse)</i> , FINMA, https://www.finma.ch/en/~media/finma/dokumente/dokumentencen	

	ter/8news/medienmitteilungen/2014/07/20140701-mm-abschluss-verfahren-bnp-paribas-suisse.pdf?sc_lang=en&hash=4F7E75114ABD2799EDC3A927ECF73991 (July 1, 2014)	
133.	<i>History of Oil Exploration in Sudan</i> , Ministry of Energy and Petroleum of the Republic of Sudan, http://www.mop.gov.sd/eng/page/history-of-oil-exploration-in-sudan (last visited July 18, 2023)	
134.	Jok Madut Jok and Sharon Elaine Hutchinson, <i>Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities</i> , 42 Afr. Stud. Rev 125 (1999)	
135.	<i>Land area (sq. km)</i> , The World Bank, https://data.worldbank.org/indicator/AG.LND.TOTL.K2 (last visited July 18, 2023)	
136.	Luke A. Patey, <i>The New Kings of Crude: China, India, and the Global Struggle for Oil in Sudan and South Sudan</i> (Hurst & Company, 2014) (Relevant Excerpts Only)	
137.	Southern Sudan Centre for Census, <i>5th Sudan Population and Housing Census – 2008</i> , Central Bureau of Statistics (Apr. 26, 2009)	
138.	Plaintiff Injury Maps	Filed Under Seal
139.	United Nations General Assembly, <i>Situation of human rights in the Sudan</i> (Sept. 11, 2000)	
140.	Pls.' Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1) (May 10, 2021)	Filed Under Seal
141.	Pls.' Amended Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1) (May 11, 2021)	Filed Under Seal

142.	Pls.' Second Amended Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1) (June 29, 2021)	Filed Under Seal
143.	Pls.' Third Amended Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1) (Aug. 2, 2021)	Filed Under Seal
144.	Jane Doe's Objections & Responses to Defendants' First Set of Interrogatories (dated Apr. 18, 2022)	Filed Under Seal
145.	Judy Doe's Objections & Responses to Defendants' First Set of Interrogatories (dated Apr. 18, 2022)	Filed Under Seal

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed in New York, New York on July 21, 2023.



 Charity E. Lee